

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

of “newly discovered evidence” is an attempt to avoid the second/successive bar, that is an issue for the Court of Appeals to decide, not this Court. See 28 U.S.C. §§ 2244(b)(2)(B) & (3).

Accordingly, the Court will dismiss the Petition for lack of jurisdiction. See Rule 4, 28 U.S.C. foll. § 2254; *Robinson v. Johnson*, 313 F.3d 128, 139 (3d Cir. 2002). A separate Order will be entered.

May 14, 2013
DATE

Andrew G. Andrews
UNITED STATES DISTRICT JUDGE